

To: The Honorable Mayor and City Council Members

From: Tanya Wilson-Séjour, A.I.C.P., Planning, Zoning and Development Director 

Date: October 27, 2015

RE: A Resolution of the Mayor and City Council Adopting a Citizen Participation Plan

STAFF RECOMMENDATION

Staff is recommending that the Mayor and City Council adopts the proposed resolution approving the revised Citizen Participation Plan pursuant to the requirements of the Housing and Community Development Act of 1974 and as a prerequisite to receiving federal funding.

BACKGROUND

The Housing and Community Development Act as amended, and HUD regulations, stipulated under Section 24 CFR 91.105(b), require that the City adopt a citizen participation plan by resolution. The purpose of said plan is to encourage citizens to participate in the development of the Assessment of Fair Housing procedures, Consolidated Plan, Annual Action Plan, and CAPER report. The Plan is primarily intended to encourage participation by low- and moderate-income persons, particularly those living in areas designated as a revitalization area or in a slum and blighted area and in areas where CDBG and HOME funds are proposed to be used.

At its meeting on July 14th, 2015, the Mayor and City Council reviewed, discussed and unanimously approved the final draft pertaining to the Five-Year 2015-2019 Consolidated Plan and 2015-2016 Action Plans followed by a 30 day commenting period. The Consolidated Plan was subsequently submitted to HUD for review and is currently pending approval. The proposed Citizen Participation Plan will incorporate elements of the newly adopted Consolidated Plan and serve as a guide to increase public participation in the fair housing practices and community development decision making process.

OVERVIEW OF CITIZEN PARTICIPATION PLAN CONTENTS

The new document outlines the following requirements pertaining to the diffused information through the following channels: Publication Methods, Broadcast and Social Media, Public Hearings, Public Comment Period, Consideration of Public Comments, Complaints and City

responses, Access to records and Technical Assistance and the process for amendments to a Consolidated Plan or Annual Plan. In addition, the Citizen Participation Plan also includes assessment of Fair Housing Plans.

CONCLUSION

Based on current federal guidelines a Citizen Participation Plan is required by entitlement communities such as North Miami in order to comply with HUD regulations. As such, staff is requesting that the Mayor and Council adopt the resolution to approve the proposed Citizen Participation Plan and direct the City Manager to forward said plan to HUD in accordance with federal law.

Attachments:

- 1) Resolution
- 2) Draft Citizen Participation Plan

RESOLUTION NO. _____

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF NORTH MIAMI, FLORIDA,
ADOPTING A CITIZEN PARTICIPATION PLAN;
PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL
OTHER PURPOSES.**

WHEREAS, since 1994, the City of North Miami ("City") has received Community Development Block Grant ("CDBG") funds from the U.S. Department of Housing and Urban Development ("HUD"), in order to provide a source of funding for various community and economic development programs and projects; and

WHEREAS, the Housing and Community Development Act of 1974 and HUD regulations require the City to adopt a citizen participation plan which will set forth the policies and procedures for citizen participation related to the HUD Consolidated Plan process as well as in its housing and community development programs; and

WHEREAS, the proposed Citizen Participation Plan encourages citizen participation, especially by persons of low to moderate income, provides citizens reasonable and timely access to public hearings and information, technical assistance and a public review and comment period; and

WHEREAS, the Mayor and City Council of the City of North Miami, find the proposed Citizen Participation Plan to be in the best interest of the City and as such, approve the attached Citizen Participation Plan.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. **Approval.** The Mayor and City Council of the City of North Miami, Florida, hereby approve and adopt the Citizen Participation Plan, attached hereto as Exhibit "1."

Section 2. **Effective Date.** This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, this _____ day of _____, 2015.

DR. SMITH JOSEPH
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

ROLAND C. GALDOS, ESQ.
INTERIM CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

Mayor Smith Joseph, D.O., Pharm. D.
Vice Mayor Carol Keys, Esq.
Councilman Scott Galvin
Councilman Alix Desulme
Councilman Philippe Bien-Aime

_____	(Yes)	_____	(No)
_____	(Yes)	_____	(No)
_____	(Yes)	_____	(No)
_____	(Yes)	_____	(No)
_____	(Yes)	_____	(No)

**CITY OF NORTH MIAMI, FLORIDA
COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT**

**CITIZEN PARTICIPATION PLAN
Updated August 2015**

The City of North Miami's Citizen Participation Plan (the Plan) reflects the City of North Miami's compliance with the HUD requirements located at **24 CFR 91.105(b)** for citizen participation for all appropriate HUD grant programs and the Consolidated Plan process as of January 2008 and updated July 2015. The Plan covers citizen participation activities related to the preparation of the Assessment of Fair Housing (AFH) for the City of North Miami, revisions to the AFH, Consolidated Plan, as well as the Annual Action Plans, Plan amendments and related activities, and the Consolidated Annual Performance and Evaluation Report (CAPER) report.

Background

The Housing and Community Development Act of 1974, as amended, and HUD regulations, require that the City adopt a citizen participation plan. The plan sets forth the policies and procedures for citizen participation related to the HUD Consolidated Submission for Community Planning and Development Programs. The responsible unit will be the City's Community Planning and Development Department.

Citizen Participation Objectives

The objectives of the City's citizen participation program for the Consolidated Plan process and related activities in fulfillment of federal regulations at 24 CFR Part 91.105(b) are:

- To provide for and encourage citizens to participate in the development of the AFH, any revisions to the AFH, Consolidated Plan, Annual Action Plan, substantial amendments to these plans, and the CAPER report.
- To encourage participation by low- and moderate-income persons, particularly those persons living in areas designated by the jurisdiction as a revitalization area or in a slum and blighted area and in areas where CDBG and HOME funds are proposed to be used, and by residents of predominately low- and moderate-income neighborhoods.
- To conduct all federally funded activities in an open manner, consistent with Federal regulations, State law, and the City's policy, with access for all interested persons.
- To assure the involvement of the elderly, persons with mental and physical disabilities, the business community, service organizations, homeowner associations, elected officials, and civic groups who are concerned about housing community development in North Miami.
- To provide adequate and timely information to all interested persons and groups.
- To encourage the submittal of views and proposals regarding the AFH, Consolidated Plan, Annual Action Plan, and related activities.
- To use a comprehensive approach that includes current methods of communication and update the strategies as new technologies are developed.

F L O R I D A

Citizen Participation - General Policies and Strategies

The City of North Miami has devised specific policies and strategies to encourage increased participation in its housing and community development programs, particularly by persons of low- to and moderate-income, and actions for affirmatively furthering fair housing. The City's actions will include:

- Ensure that all aspects of the consolidated planning process are conducted in an open manner with access to all interested persons by conducting open hearings and meetings, publish and/or mail notices and other information as necessary, and maintain copies of documents for public review and inspection during regular business hours.
- Ensure the involvement of all interested persons including racial and ethnic minorities, persons with disabilities, senior citizens, residents, and businesses, and particularly persons of low and moderate income and those in areas affected by activities included in the Consolidated Plan and related documents, as appropriate and necessary by publishing notices in newspapers of general circulation and/or minority papers. In addition, the City will hold meetings at times and locations conveniently located for attendance by such persons including single parent households.
- Ensure the participation of persons with disabilities by holding public hearings and meetings at locations accessible to such persons, consistent with accessibility and reasonable accommodation requirements, in accordance with section 504 of the Rehabilitation Act of 1973 and the regulations at 24 CFR part 8; and the Americans with Disabilities Act and the regulations at 28 CFR parts 35 and 36, as applicable.
- For persons with disabilities, upon request, information, notices, and Plan related documents can be provided in alternative formats.
- Notices will include telephone numbers for Text Telephones (TTY) or Telecommunication Devices for the Deaf (TDD) for persons with hearing impairments.
- To ensure continuity of involvement by citizens and citizen organizations, the City will develop a mailing list of interested persons and organizations and use this mailing list to send information.
- To ensure the involvement of persons with Limited English Proficiency (LEP), notices will be provided, where appropriate, in Spanish and Creole languages as these are significant ethnic populations in the City. For meetings, with reasonable notice, the City will make arrangements so that non-English speaking residents may participate. Depending upon the number of persons involved, such arrangements may include interpreters at public meetings or at appointments. Such arrangements may also include the preparation of selected materials in a foreign language.
- To provide adequate and timely information, the City will distribute, using various methods, documents, plans, and other information on the Consolidated Plan as well as maintain documents for citizen inspection.
- Information on the AFH and the Consolidated Plan will be provided at public meetings and hearings, at meetings with various community organizations, by appointments, and by telephone.
- To encourage citizen submittal of views, the City will use a public comment period for citizens wishing to submit comments.
- City staff will respond in writing to written comments, documents and incorporate comments in the AFH, Consolidated Plan, One Year Action Plan, amendments, and reports.

- Where appropriate, the City has and will confer with and use community based and faith based organizations, community housing development organizations, non-profit public service organizations, regional organizations, the local Continuum of Care, and homeowners associations in planning and implementing the AFH and the Consolidated Plan activities.
- The City will encourage the participation of residents of public housing and assisted housing developments (including any resident advisory boards, resident councils, and resident management corporations), where applicable, in the development and implementation of the AFH and the Consolidated Plan.
- The City will provide information to the local Public Housing Authority (PHA) about the AFH, AFFH strategy, and Consolidated Plan activities related to its developments and surrounding communities so that the PHA can make this information available at the annual public hearing(s) required for the PHA Plan.
- The City will provide for a process to receive and address complaints related to the AFH and Consolidated Plan.
- The City will also conduct public meetings for persons and organizations wishing to comment on the AFH and wishing to submit proposals for the use of CDBG and other funding and will provide reasonable technical assistance to those wishing to submit CDBG proposals.
- The City has and will prepare plans to minimize displacement. These plans will specify the types and levels of assistance to persons displaced.
- The City will make the HUD-provided data used in the AFH available to public as soon as feasible after the start of the public participation process. The City will make the HUD-data available by cross-referencing to the data on HUD's Web site. The public will be notified of the availability of the HUD data in public notice in the newspaper, on the City's website, and broadcast and social media, where available.

Citizen Participation - Specific Policies and Procedures

The following specific policies and procedures will be used in the preparation and implementation of the AFH, the Consolidated Plan, the Annual Action Plan, and the CAPER:

1. Publication Methods: Notices of public meetings on the AFH and the Consolidated Plan are publicized throughout the City. Two weeks before the public meetings are held, at least one advertisement is placed in the local newspaper of general circulation (*The Miami Herald Neighbors*) and also may be published in other local newspapers to include the Miami Times and local Haitian and Hispanic newspapers. The advertisements will be either "display ads" or "legal ads" which appear in the sections of the newspaper most likely to be read by residents. Additionally, the North Miami's Community Planning and Development Department will also advertise public hearings electronically on the City's website.
2. Broadcast Media: Where available and feasible, the AFH and Consolidated Plan process including hearings, meetings, and documents will be publicized using radio and public television stations.

3. Social Media: Where available, notices of public hearings, meetings, the AFH, the Consolidated Plan and Annual Action Plan, and other relevant information will be publicized through the use of social media including Facebook, Twitter, etc.
4. Public Hearings: At least two public hearings on the AFH and the Consolidated Plan, the contents, and the process for preparing the AFH and the Consolidated Plan will be held prior to and during the preparation of the plans. A public hearing will also be held after the completion of the AFH and the draft Plan and approval of the final AFH and the final Consolidated Plan but before submittal of the documents to HUD. Community advisory board meetings and/or the City Council meeting approving the final AFH and the final Consolidated Plan may be used as public hearings to solicit citizen comments.
5. Public Comment Period: A public review and comment period of at least 30 days duration will be held after publication of the Consolidated Plan and the AFH. The City will publish a summary of the AFH and the proposed Consolidated Plan in the newspaper. This summary will describe the content and purpose of the AFH or the Consolidated Plan and will list the locations where copies of the complete document may be examined. Copies of the complete AFH or Consolidated Plan will be available at North Miami public libraries and in the offices of the Community Planning and Development Department of the City. A reasonable number of free copies of the AFH and the Consolidated Plan may be made available to citizens or groups that request it. Citizens will be encouraged to present their comments and opinions on the AFH and the Consolidated Plan by mail, email, or appointment.
6. Consideration of Public Comments: Comments and opinions on the AFH and the proposed consolidated plan will be considered by the City when preparing the final AFH or the final Consolidated Plan. A summary of comments and views received will be attached to the final AFH and the final Consolidated Plan. A summary of the reasons for not accepting opinions or views not included in the AFH or the Consolidated Plan will also be provided.
7. Complaints and City Responses: The Community Planning and Development Department will receive complaints regarding the Consolidated Plan, amendments, AFH, revisions, and performance reports through email, letter or appointment, record such complaints and provide a response. Complaints and any written public comments shall be acknowledged and a substantive written response sent, as applicable, within 15 working days, where practical.
8. Access to Records: The City will provide residents of the City, public agencies, and other interested parties with reasonable and timely access to information and records relating to the AFH, Consolidated Plan, and use of assistance under the programs during the preceding five years.
9. Non-English Speaking Citizens: The City will provide bilingual assistance whenever determined necessary to afford non-English Speaking citizens an equal opportunity to comprehend and adequately express their views regarding the planning, implementation, monitoring and evaluation of neighborhood improvement activities. English/Spanish, English/Creole translations will be made available during public hearings and workshops. To the extent that is feasible, the City will attempt to further cater to non-English speaking citizen by providing written material in Spanish and Creole.

10. Technical Assistance: The City will provide technical assistance to groups representative of persons of low- and moderate-income that request such assistance in commenting on the AFH and in development proposals for funding assistance under any of the programs covered by the consolidated plan, with the level and type of assistance determined by the City.

Citizen Participation - Criteria for Amendments to the Consolidated Plan and AFH revisions

The City has established the following criteria for use in determining when a change in the Consolidated Plan constitutes a substantial amendment of the plan:

- A change will be considered substantial amendment to the plan if it has one or more of the following characteristics:
 1. It involves a new activity not previously described in the Plan.
 2. It involves discontinuance of an activity described in the plan prior to activity completion.
 3. An activity is changed to meet a different CDBG and HOME national objective (purpose).
 4. The measurable objective for an activity is revised by 100% or more (scope).
 5. It involves a change in the location of the activity such as the activity location will change to a non-contiguous geographic area (location).
 6. It involves a change in the probable beneficiaries of the activity such as residents to be served are a different group of people.
 7. It involves a change in the activity which requires preparation and publication of a revised environmental assessment.
 8. It involves an activity that will serve 50% or less fewer clients, (i.e. low and moderate income person, elderly, handicapped, or homeless people) and/or there will be an increase in the cost of the activity of more than 10% of the City's annual CDBG and HOME entitlement.

The City has established the following criteria for use in determining when revisions to the AFH will be required:

1. When a material change occurs. A material change is a change in circumstances in the City that affects the information on which the AFH is based to the extent that the analysis, the fair housing contributing factors, or the priorities and goals of the AFH no longer reflect actual circumstances. Examples of material changes include Presidentially declared disasters, under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), in the City that are of such a nature as to significantly impact the steps the City may need to take to affirmatively further fair housing; significant demographic changes; new significant contributing factors in the City; and civil rights findings, determinations, settlements (including Voluntary Compliance Agreements), or court orders; or
2. When HUD notifies the City in writing that there is a material change that requires the revision to the AFH.

When a revision to the AFH or a substantial amendment to the consolidated plan is being considered, a notice will be published in the newspaper that the City intends to revise the AFH or amend the plan. This notice will describe the revision or the substantial amendment, and indicate how residents may comment on it. A period of at least 30 days will be provided for residents to comment on the revised AFH before it is submitted to HUD for review or the consolidated plan substantial amendment before it is implemented.

The City will consider comments and views on proposed substantial amendments or significant revision to the AFH. A summary of these comments and views will be attached to the substantial amendment of the consolidated plan or revision to the AFH. If comments and views are not accepted, the reasons for not accepting them will be summarized and included with the report.

Citizen Participation - Performance Reports

A notice will be published in the newspaper when consolidated plan performance reports (CAPERs, etc.) are available for public review and comment. This notice will briefly describe the contents of the performance report, and indicate how citizens may comment on it. A period of at least 15 days will be provided for citizens to comment on the performance report before it is submitted to HUD. In some instances, a special public hearing on the performance report may be conducted by the City to receive citizen comments and views on the performance report. Citizens may comment and submit views on the performance report by letter, email, and by appointment at the City's offices of the Community Planning and Development Department.

Adoption By North Miami City Council

The North Miami Citizen Participation Plan and any amendments thereto is subject to adoption by the City's governing board.

NORTH MIAMI

FLORIDA